

REMARKS

I. Status of the Application

In view of the above amendments and the following remarks, reconsideration of the rejections set forth in the Office Action of July 15, 2010 is respectfully requested.

By this amendment, claims 1, 10, and 18 have been amended. Claims 1-11 and 14-23 are now pending in the application. No new matter has been added by these amendments.

II. Prior Art Rejections

Currently, claims 1, 3-5, 8-10, 14, 17-19, and 22 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Mizayaki et al. (US 2004/0073814) and claims 2, 6, 7, 11, 15, 16, 20, 21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mizayaki et al. in view of Thomsen (US 7,194,004).

It is submitted that the present invention, as defined in the amended claims, is now clearly distinguished over the applied prior art for the following reasons. Claim 1 recites an access control device for controlling an access from a resource use device to a resource providing device for using a resource provided by the resource providing device, the access control device comprising: a communication unit that directly communicates with the resource use device and the resource providing device; an access permission unit that instructs the resource providing device via the communication unit to permit an access from the resource use device; a storage unit that stores information on the resource use device which has been permitted to access the resource providing device by the access permission unit as management information; an existence check unit that transmits an existence check instruction to the resource use device of which the management information is stored in the storage unit, that is configured

to receive a response to the existence check instruction from the resource use device, and that confirms whether or not a response to the existence check instruction is received from the resource use device which has been permitted to access the resource providing device by the access permission unit, via the communication unit; and an access discard unit that instructs the resource providing device via the communication unit to reject an access from the resource use device from which a response to the existence check instruction is not received by the existence check unit.

On page 3 of the Office Action, it is asserted that the Group Administration Device (GAD, 10) of Mizayaki et al. functions as the existence check unit of the present invention. It is further asserted on page 9 of the Office Action that the GAD (10) checking the eligibility or ineligibility of the user device (20), as described in paragraphs 0150 and 0151 of Mizayaki et al., constitutes checking a communication state. However, claim 1 has been amended to further define that the existence check unit transmits an existence check instruction to the resource use device, and confirms whether or not a response to the existence check instruction is received, and an access discard unit that instructs the resource providing device to reject an access from the resource use device from which a response to the existence check instruction is not received by the existence check unit. In other words, the existence check unit checks whether a response to an instruction is received from the resource use device, and access from the resource use device is rejected if the response is not received. In contrast, Mizayaki et al. does not check to see whether a response is received, nor does Mizayaki et al. reject access on this basis. Mizayaki et al. only determines whether or not an authority key is valid (see paragraph 0152). Even in the event that the authority key is invalid, the user device (20) is communicating with the GAD (10) (see paragraphs 0152, the user device (20) is notified), and thus Mizayaki et al. does not

contemplate the possibility that a user device cannot communicate with the GAD. Because Mizayaki et al. does not disclose an existence check unit which transmits an existence check instruction to the resource use device and an access discard unit that instructs the resource providing device to reject access when a response to the existence check instruction is not received, Mizayaki et al. cannot meet the requirements of claim 1.

Claim 10 recites a resource providing device for accepting an access from a resource use device permitted to access by an access control device and providing a resource, the resource providing device comprising: a communication unit that directly communicates with the access control device and the resource use device; a storage unit that stores information on the resource use device, based on an instruction given by the access control device via the communication unit, as management information, the information on the resource use device including information that identifies the resource use device and that identifies the access control device which has permitted the resource use device to access; an access permission unit that permits an access from the resource use device of which the management information is stored in the storage unit; an existence check unit that transmits an existence check instruction to the access control device and is configured to receive a response to the existence check instruction from the access control device, and that confirms whether or not a response to the existence check instruction is received from the access control device, via the communication unit; and an access rejection unit that rejects an access from the resource use device which has been permitted to access by the access control device from which a response to the existence check instruction is not received by the existence check unit.

On page 4 of the Office Action, the authority verification unit (33) of Mizayaki et al. is asserted as corresponding to the existence check unit of claim 10. However, claim 10 has been

amended to require that the existence check unit transmits an existence check instruction to the access control device and confirms whether or not a response to the existence check instruction is received from the access control device, and that the access rejection unit rejects an access from the resource use device which has been permitted to access by the access control device from which a response to the existence check instruction is not received by the existence check unit. In other words, the existence check unit checks whether a response to an instruction is received from the access control device, and access from the resource use device is rejected if the response is not received. In contrast, as described in paragraphs 0169 and 0170, the verification section (33) of Mizayaki et al. verifies the validity of received authority proof information. In other words, similar to the comments above regarding claim 1, Mizayaki et al. operates on the basis of receiving information, and does not disclose rejecting access on the basis of not receiving a response to an existence check instruction. Because Mizayaki et al. does not disclose an existence check unit which transmits an existence check instruction to the access control device and confirms whether or not a response to the existence check instruction is received from the access control device, and does not disclose an access rejection unit which rejects an access from the resource use device which has been permitted to access by the access control device from which a response to the existence check instruction is not received by the existence check unit, Mizayaki et al. cannot meet the requirements of claim 10.

Further, it appears as though there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of claims 1 and 10. It is thus submitted that the invention of the present application, as defined in claims 1 and 10, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art. Allowance is respectfully requested.

Claims 2-9 and 19-23 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. Claims 11 and 14-17 depend, directly or indirectly, from claim 10 and are thus allowable for at least the reasons set forth above in support of claim 10. Claim 18 requires limitations substantially similar to claims 1 and 10, and is thus allowable for at least the reasons set forth above in support of claims 1 and 10.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, it is respectfully submitted that the present application is now in condition for allowance, and action to such effect is earnestly solicited. Should any issues remain after consideration of the response, however, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

Germano LEICHSENDRING et al.

By /Andrew D. St.Clair/

Digitally signed by /Andrew D. St.Clair/
DN: cn=/Andrew D. St.Clair/, o, ou,
email=astclair@wenderoth.com, c=US
Date: 2010.09.15 12:44:07 -04'00'

Andrew D. St.Clair
Registration No. 58,739
Attorney for Applicants

ADS/rgf
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 15, 2010